

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

LASHONDA LYNN CLARK,

Plaintiff,

No. 6:22-cv-00845-MK

v.

ORDER

CT CORPORATION SYSTEM
on behalf of GENESIS FINANCIAL
SOLUTIONS, INC.; AP FURNITURE
INC.,

Defendants.

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation (“F&R”) filed by Magistrate Judge Mustafa Kasubhai. ECF No. 41. Judge Kasubhai recommends that Defendant’s Motion for Judgment on the Pleadings, ECF No. 38, be granted and the Complaint, ECF No. 1, be dismissed with leave to amend.

Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."). Although no review is required in the absence of objections, the Magistrates Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court should review the recommendation for "clear error on the face of the record."

In this case, no party has filed objections to the F&R. The Court finds no error and the F&R, ECF No. 41, is ADOPTED. Defendant's Motion for Judgment on the Pleadings, ECF No. 38, is GRANTED. The Complaint is dismissed with leave to amend and Plaintiff shall have sixty (60) days from the date of the Order in which to file an amended complaint. Plaintiff is advised that failure to file an amended complaint within the allotted time will result in the entry of a judgment of dismissal without further notice.

It is so ORDERED and DATED this 1st day of June 2023.

/s/Ann Aiken
ANN AIKEN
United States District Judge